IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23584 of 2005

Between:

Smt.A.Padmavathi

..... PETITIONER

AND

The District Collector,

Prakasam District, Ongole and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in not passing any orders on the stay petition pending the revision filed before him on 30.09.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The Fair Price Shop Dealership of the petitioner in respect of Adivipalem village, Santhanaguluru Mandal, Prakasam District was cancelled by the 3rd respondent vide his proceedings in Rc.C.1370/2004, dated 14.05.2005 on the allegations that the petitioner, being fair price shop dealer, distributing the essential commodities to the cardholders at higher rates other than fixed by the Government, misusing the stocks of the essential commodities and on the ground that the petitioner is distributing the essential commodities 2 or 3 days only in a month, causing inconvenience to the cardholders and not responding properly to the cardholders. Aggrieved by the said order, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent dismissed the appeal by his proceedings in Rc.CS2/2297/2005, dated 22.09.2005, confirming the order of the 3rd respondent. Against the said order, the petitioner filed revision before the 1st respondent and it is pending consideration. It is the contention of the petitioner that though an interlocutory application is filed along with revision, seeking stay of the order of the 3rd respondent, the 1st respondent has not passed any order on the stay application.

Admittedly, there is no stay of order of the 3rd respondent pending disposal of the appeal. However, the order of the

3rd respondent is confirmed by the appellate authority. In those circumstances, it is not just and proper to grant stay of the order of the 3rd respondent. The 1st respondent has to pass appropriate orders on the stay application of the petitioner, in accordance with law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to pass appropriate orders on the stay application of the petitioner pending disposal of the revision, as expeditiously as possible, preferably within a period of three weeks, from the date of receipt of a copy of this order, and thereafter he may dispose of the revision, in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 03.11.2005]

Dsr